
STATUTORY INSTRUMENTS

1998 No. 1759

Education (Northern Ireland) Order 1998

PART III

ASSESSMENT AND PUPILS' PERFORMANCE

CHAPTER I

BASELINE ASSESSMENTS

Introductory

7.—(1) In this Chapter—

“baseline assessment” means the assessment of pupils in their first year of compulsory education for the purpose of assisting the future planning of their education and the measurement of their future educational achievements;

“baseline assessment arrangements” means the arrangements specified in an order under Article 9(1);

“school year” means a year ending on 31st July.

(2) For the purposes of this Chapter the first year of compulsory education of a child is the school year in which he attains the lower limit of compulsory school age.

Assessment of pupils in accordance with baseline assessment arrangements

8.—(1) Subject to the following provisions of this Article, all pupils at a primary school who are in their first year of compulsory education must be assessed in accordance with the baseline assessment arrangements.

(2) The assessment must be completed before the end of that first year.

(3) Paragraph (1) does not apply to a pupil if it appears to the principal from a record of a previous assessment under that paragraph that such an assessment has already been carried out in relation to that pupil at another school.

(4) Regulations may enable the principal of a primary school, in such cases or circumstances and subject to such conditions as may be prescribed, to direct—

(a) that paragraph (1) is not to apply to a particular pupil at the school; or

(b) that, for the purposes of the assessment under that paragraph of a particular pupil at the school, the baseline assessment arrangements are to have effect with such modifications as are specified in the direction.

(5) The special educational provision for any pupil specified in a statement under Article 16 of the Education (Northern Ireland) Order 1996 of his special educational needs may include provision directing—

(a) that paragraph (1) is not to apply to the pupil; or

- (b) that, for the purposes of the assessment under that paragraph of that pupil, the baseline assessment arrangements are to have effect with such modifications as are specified in the direction.
- (6) Where the principal gives a direction under regulations made under paragraph (4) he shall—
 - (a) notify the Board of Governors of the matters set out in paragraph (7); and
 - (b) take such steps as are prescribed to notify the parent of the pupil concerned of those matters.
- (7) The matters referred to in paragraph (6) are—
 - (a) the fact that the principal has given the direction in question and his reasons for doing so;
 - (b) in the case of a direction under paragraph (4)(b), the effect of the modifications specified in the direction;
 - (c) whether the direction is to have permanent effect (and, if not, the period for which it is to have effect).
- (8) In relation to any primary school, it shall be the duty of—
 - (a) the Board of Governors to exercise its functions with a view to securing; and
 - (b) the principal to secure, that paragraph (1) is complied with.
- (9) It shall be the duty of—
 - (a) the Department and the boards in relation to all primary schools; and
 - (b) the Council for Catholic Maintained Schools in relation to Catholic maintained schools, to exercise their functions with a view to ensuring that the Boards of Governors and principals of primary schools are in a position to fulfil their duty under paragraph (8).
- (10) The Department may by regulations provide that the preceding provisions of this Article—
 - (a) shall apply with such modifications as may be prescribed; or
 - (b) shall not apply, in such circumstances as may be prescribed.

Baseline assessment arrangements

- 9.—(1) The Department shall by order specify the arrangements for baseline assessment.
- (2) An order under paragraph (1) may, instead of containing the provision to be made, refer to provisions in an approved document and direct that those provisions are to have effect or, as the case may be, are to have effect as amended by the order.
- (3) In paragraph (2) “approved document” means a document which has been—
 - (a) prepared by the Northern Ireland Council for the Curriculum, Examinations and Assessment (“the Council”);
 - (b) approved by the Department; and
 - (c) published by the Council.
- (4) It shall be the duty of the Council to send to the Board of Governors of every primary school with pupils who are required to be assessed under Article 8 a copy of every document published by it under paragraph (3)(c).
- (5) An order under paragraph (1) may impose such duties on—
 - (a) the Boards of Governors and principals of primary schools; and
 - (b) the Council, as appear to the Department to be necessary or expedient for the purpose of implementing the arrangements specified by the order.

CHAPTER II

ASSESSMENT ARRANGEMENTS AND PUPILS' PERFORMANCE

Assessment arrangements

Assessment arrangements

10. In Article 7 of the 1989 Order for paragraph (6) (orders specifying assessment arrangements) there shall be substituted—

“(6) An order under paragraph (1)(b) may, instead of containing the provision to be made, refer to provisions in an approved document and direct that those provisions are to have effect or, as the case may be, are to have effect as amended by the order.

(7) In paragraph (6) “approved document” means a document which has been—

- (a) prepared by the Northern Ireland Council for the Curriculum, Examinations and Assessment (“the Council”);
- (b) approved by the Department; and
- (c) published by the Council.

(8) It shall be the duty of the Council to send to the Board of Governors of every grant-aided school which appears to the Council to be affected a copy of every document published by it under paragraph (7)(c).

(9) An order under paragraph (1)(b) may impose such duties on the Boards of Governors and principals of grant-aided schools as appear to the Department to be necessary or expedient for the purpose of implementing the assessment arrangements specified by the order.”.

Pupils' performance

School performance targets

11.—(1) The Department may by regulations make such provision as it considers appropriate for requiring the Boards of Governors of grant-aided schools to secure that annual targets are set in respect of the performance of pupils at such schools—

- (a) in public examinations or in assessments conducted under Article 6(3) of the 1989 Order at or near the end of key stages 1, 2 and 3, in the case of pupils of compulsory school age; and
- (b) in public examinations or in connection with the attainment of other academic or vocational qualifications, in the case of pupils of any age over that age.

(2) Regulations under this Article may require—

- (a) such targets; and
- (b) the past performance of pupils in the particular examinations or assessments, or in connection with the attainment of the particular qualifications, to which such targets relate, to be published in such manner as is specified in the regulations.

(3) Before making any regulations under this Article the Department shall consult—

- (a) the boards;
- (b) the Council for Catholic Maintained Schools;
- (c) the Board of Governors and principal of every grant-aided school appearing to it to be affected; and

- (d) any other person with whom consultation appears to it to be desirable.
- (4) This Article does not apply to—
 - (a) a school established in a hospital; or
 - (b) a school of such class or description as may be specified in regulations under this Article.

Provision of information on individual performance of pupils

12.—(1) The Department may by regulations make provision requiring the Board of Governors of each grant-aided school to provide to the Department such individual performance information relating to pupils or former pupils at the school as may be prescribed.

(2) In this Article “individual performance information” means information about the performance of individual pupils (identified in the prescribed manner)—

- (a) in any assessment made—
 - (i) under Article 6(3) of the 1989 Order; or
 - (ii) under Article 8(1);
- (b) in any prescribed public examination;
- (c) in connection with the attainment of any vocational qualification; or
- (d) in any such other assessment or examination, or in connection with the attainment of any such other qualification, as may be prescribed.

(3) The Department may provide any information received by it under paragraph (1)—

- (a) to any prescribed body or person;
- (b) to any body or person falling within a prescribed category.

(4) Any body or person holding any individual performance information may provide that information to any body to which this paragraph applies; and any body to which this paragraph applies—

- (a) may provide any information received by it under this paragraph—
 - (i) to the Department; or
 - (ii) to the Board of Governors of the school attended by the pupil or pupils to whom the information relates; and
- (b) may, at such times as the Department may determine, provide to any prescribed body such information received by it under this paragraph as may be prescribed.

(5) Paragraph (4) applies to any body which, for the purposes of or in connection with the functions of the Department relating to education, is responsible for collating or checking information relating to the performance of pupils—

- (a) in any assessment or examination falling within paragraph (2)(a), (b) or (d); or
- (b) in connection with the attainment of any qualification falling within paragraph (2)(c) or (d).

(6) No individual performance information received under this Article shall be published in any form which includes the name of the pupil or pupils to whom it relates.

(7) References in this Article to the attainment of a qualification of any description include references to the completion of any module or part of a course leading to any such qualification.